

MINUTES
Regular Meeting of the College Park City Council
Tuesday, June 18, 2013
7:30 p.m. – 10:27 p.m.

PRESENT: Mayor Andrew Fellows; Councilmembers Kabir, Wojahn, Catlin, Dennis, Stullich, and Day. Councilmember Mitchell arrived at 9:00 p.m. during the Closed Session.

ABSENT: Councilmember Afzali.

ALSO PRESENT: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Miriam Bader, Senior Planner.

Mayor Fellows opened the meeting at 7:30 p.m. Councilmember Day led the Pledge of Allegiance.

Minutes: A motion was made by Councilmember Dennis and seconded by Councilmember Stullich to adopt the minutes of the May 28, 2013 Regular Meeting and the Special Session on June 11, 2013. The motion passed 6 – 0 – 0.

Announcements:

Councilmember Stullich said that the Calvert Hills Citizens Association would have a special meeting on Knox Village on Wednesday June 19 at 7:00 p.m. at the Old Parish House.

Councilmember Catlin said the Berwyn District Civic Association would meet this Thursday at 8:00 p.m. at Fealy Hall. It is the last meeting until September.

Councilmember Wojahn said the Boy Scouts are holding a chicken barbeque fundraiser for College Park Meals on Wheels next Sunday at Duvall Field.

There will be a College Park Day 2013 planning meeting on Thursday, June 20 at 7:00 p.m. at the College Park Community Center.

Councilmember Kabir discussed the Hollywood Farmers Market which is open on Saturdays from 8 a.m. – 12 noon.

City Manager's Report: Mr. Nagro said due to summer schedule, the next meeting of the City Council will be on July 9. There will be a reception for Mayor Page at 6:30 p.m. on July 16 in the Council Chambers. The College Park Housing Authority has hired a new Executive Director, Jim Simpson, who starts on June 24. Item 13-R-09 has been moved from tonight's consent agenda to action items.

Presentations: Michael Twigg, President-Elect of the Rotary Club of College Park, presented a donation check to College Park Meals On Wheels, which was accepted by Don Byrd. Mr. Twigg also had a donation for the College Park Boys & Girls Club; Mayor Fellows accepted the check on their behalf.

CONSENT AGENDA: A motion was made by Councilmember Stulich and seconded by Councilmember Day to adopt the Consent Agenda, which consisted of the following items:

- 13-G-68** **Approval of a Collective Bargaining Agreement with AFSCME Local 1209C effective July 1, 2013–June 30, 2016**
- 13-G-69** **Approval of the following Field Use Requests: a) Open Bible Deaf Church at Berwyn Baptist – Yard Sale June 15 – Duvall Field; b) Boy Scouts Troop No. 740 – June 23 (June 30 rain date) – Duvall Field; c) Berwyn Christian School – Duvall Field – Soccer Sept – Oct Tu/Th 3p – 4:45p; d) College Park Boys & Girls Club – Calvert Hills – Soccer Aug 8 – Nov. 20, M-F 5p-8p; e) College Park Boys & Girls Club – Duvall Field – Soccer Aug 8 – Nov. 20, M-F 5p-8p**
- 13-G-70** **Approval of an award from FY '13 funds not to exceed \$50,000 to Avrio RMS Group on the same terms and conditions as the Agreement dated February 28, 2010, for the purchase and installation of (2) CCTV/Pan Tilt Zoom cameras and (1) License Plate Reader camera on Guilford Road between the Trolley Trail and Baltimore Avenue; payment to UMDPS of \$13,486 annually to monitor these cameras; and authorization for the City Manager to sign a contract approved by the City Attorney**
- 13-G-71** **Approval of the FY 2014 Program Open Space Annual Program funds to the Hollywood Gateway Park project as follows: \$82,988.39 to development and \$82,988.39 to acquisition**

The motion passed 6 – 0 – 0.

ACTION ITEMS

- 13-O-06** **Adoption of 13-O-06, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending City Code, Chapter 127 “Rent Stabilization”, §127-13 “Expiration Date” To Extend The Effective Date Of The Rent Stabilization Law Through September 1, 2014.**

A motion was made by Councilmember Wojahn and seconded by Councilmember Kabir to adopt Ordinance 13-O-6, an Ordinance of the Mayor and Council of the City of College Park, Maryland, amending City Code Chapter 127 “Rent Stabilization”, Section 127-13 “Expiration Date” to extend the effective date of the Rent Stabilization Law through September 1, 2014.

Councilmember Wojahn stated that in 2005, the City Council enacted Chapter 127, Rent Stabilization, in an effort to resolve significant difficult problems that exist in the City with respect to rental housing. In 2009, the law was extended to September 1, 2012, and in 2012, the law was extended to September 1, 2013. Since that time, the ability to evaluate the effects of the law and of the market to stabilize continue to be compromised, the conditions that the rent stabilization program was designed to address have not yet been resolved, and additional time is

needed to receive the full benefit from the law. The Mayor and City Council deem it to be in the best interest of the City to extend the rent stabilization program for an additional year in order to ensure the availability and maintenance of affordable housing in the City, to protect the standard of living of all City residents, and to strengthen and stabilize the City's neighborhoods. As a result, this amendment extends the law until September 1, 2014.

Councilmember Stullich commented on the amount of work undertaken by the Neighborhood Stabilization and Quality of Life Workgroup over the last 6 – 12 months and said their report will be issued soon. A lot of creative strategies have been developed and the next step will be for the City and other stakeholders to implement them.

Mayor Fellows said he looks forward to seeing how the landlord medallion program will work; that is one of the strategies mentioned by Mr. Zietz during the public hearing.

The motion passed 6 – 0 – 0.

**13-R-09 Resolution Of The Mayor And Council Of The City Of College Park,
Maryland, To Extend The Suspension Of Administration And Enforcement
Of Chapter 127, "Rent Stabilization", To September 1, 2014**

A motion was made by Councilmember Wojahn and seconded by Councilmember Kabir to adopt 13-R-09, a Resolution Of The Mayor And Council Of The City Of College Park, Maryland, To Extend The Suspension Of Administration And Enforcement Of Chapter 127, "Rent Stabilization", To September 1, 2014.

Councilmember Wojahn said this is the other half of the coin, together with Ordinance 13-O-06, which extended the Rent Stabilization law. The suspension allows the City to continue to work through the Neighborhood Stabilization and Quality of Life Workgroup to explore and expand the range of tools to address issues surrounding rental properties. He is very pleased by the work that has been done by the NSQLWG.

There were no comments from the audience or by the City Council.

The motion passed 6 – 0 – 0.

**13-O-07 Adoption of 13-O-07, An Emergency Ordinance Of The Mayor And Council
Of The City Of College Park, Maryland, Authorizing The Sale Of Certain
Property Located In The Osage Street Right Of Way That Is No Longer
Needed For Any Public Use (*requires six affirmative votes*)**

A motion was made by Councilmember Dennis and seconded by Councilmember Catlin to adopt Ordinance 13-O-7, an Emergency Ordinance of the Mayor and Council of the City of College Park, Maryland, authorizing the sale and conveyance by quit claim deed of a 592 square foot portion of the Osage Street right of way owned by the City, which is no longer needed for a public use, to Crown Real Properties, L.C. for the purpose of enabling the

development of the property located at 8315 Baltimore Avenue, College Park, MD, subject to approval of a Detailed Site Plan acceptable to the City.

Councilmember Dennis stated that Keane Enterprises, Inc. applied for a Detailed Site Plan for the property located on Baltimore Avenue at the former Koons Ford site. In order for the project to be built out as planned, the Osage Street right of way must be vacated and a portion included as part of the property. The City owns a small portion of the right of way in fee simple by quit claim deed. The City has been requested to convey this property to Crown Real Properties as owner of the property. The Council has determined that this property is no longer needed for a public use, and that it is in the public interest that the property be developed subject to a DSP that is acceptable to the City.

There were no comments from the Council.

The motion passed 6 – 0 – 0.

13-O-08 Adoption of 13-O-08, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 184, Vehicles and Traffic, Section 184-11, “Prohibited Parking” To Prohibit Parked Vehicles From Blocking Or Obstructing Public Ways And Trails

A motion was made by Councilmember Day and seconded by Councilmember Catlin to adopt 13-O-08, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 184, Vehicles and Traffic, Section 184-11, “Prohibited Parking” To Prohibit Parked Vehicles From Blocking Or Obstructing Public Ways And Trails.

Councilmember Day stated that the City Attorney has advised that the City Code, Chapter 184-11, Prohibited Parking, must be amended to allow prohibition and enforcement of parking on the Trolley Trail hiker/biker trail. Extension of the Trolley Trail along the 7500 block of Rhode Island Avenue has resulted in the trail crossing several driveways in this block. In certain instances, parking in these driveways could block the trail where it crosses the drives, and also on the trail itself between driveways. The City Code, Chapter 184 Vehicles and Traffic, 184-11 Prohibited Parking, does not explicitly prohibit this kind of parking which blocks the trail, and we are starting to receive complaints. This Ordinance will amend this section of the code to allow ticketing of vehicles parked upon or blocking the trail.

Councilmember Catlin said we will have the same problem when the trail is extended through Lakeland, so it will be good to have this law on the books.

Councilmember Wojahn is glad we are doing this; he has experienced first-hand the problem of cars blocking the trail.

Councilmember Stullich is happy that this portion of the trail is completed, and said it is unfortunate to have to ticket people whose cars block the trail, but hopefully the enforcement will change their behavior.

The motion passed 6 – 0 – 0.

13-R-10 Adoption Of A Resolution Of The Mayor And Council Of The City Of College Park, Maryland Granting A City Revitalization Tax Credit For The Varsity Mixed-Use Development At 8150 Baltimore Avenue

A motion was made by Councilmember Catlin and seconded by Councilmember Dennis to adopt Resolution 13-R-10 to grant a waiver pursuant to §175-13 of the City Code, after finding that the purposes of the law will be equally well served by doing so, to Student Housing College Park, LLLP and to approve a Revitalization Tax Credit for the real property located at 8150 Baltimore Avenue in the total amount of \$500,000.00, beginning in FY 2015, to be reimbursed to the owner after payment of the City taxes as reflected on the County tax bill in each fiscal year, on the following basis: FY 2015 - \$60,000; FY 2016 - \$80,000; FY 2017 - \$100,000; FY 2018 - \$120,000; FY 2019 - \$140,000.

Councilmember Catlin stated that City Council, pursuant to §9-318 of the Tax-Property Article, Annotated Code of Maryland, established revitalization districts in the City for the purpose of encouraging redevelopment, and authorized a property tax credit against the City's real property tax for a property located within the revitalization districts that is constructed or substantially redeveloped in conformance with adopted eligibility criteria and reassessed as a result of the construction or redevelopment at a higher value than that assessed prior to the construction or redevelopment. Chapter 175 "Taxation", §175-13, authorizes the Council to waive certain eligibility criteria if it determines that the purposes of the law will be equally well served by doing so. The application filed by the owner, and the history of the development, have shown this to be the case and the Council has determined that tax credit should be granted.

Comments from the audience:

Matthew Tedesco, representing the applicant: Mr. Tedesco said that Donnie Gross, the developer, is in the audience tonight, that the project speaks for itself, and he hopes the Council will support the motion.

Mayor Fellows read Councilmember Afzali's comments.

A motion was made by Councilmember Wojahn and seconded by Councilmember Kabir to amend the motion to reduce the dollar amounts and calculate it according to a percentage. The resulting dollar amounts would be: FY 2015 - \$23,916; FY 2016 - \$47,832; FY 2017 – \$71,748; FY 2018 - \$95,665; FY 2019 - \$119,581. The total comes to \$358,744, instead of \$500,000.

Councilmember Wojahn said he has mixed feelings about allowing a retroactive tax credit for this project. The reason we came to a \$500,000 tax credit was to allow the developer to recover the cost for the Merchants Tire property, but the developer also received a \$2M tax credit from the County. Providing half the allowable tax credit allows for the fact this project has already been built and is doing well. This is a reasonable compromise and recognizes the work done by the developer.

There were no comments from the audience on the amendment.

Councilmember Kabir said the North College Park Civic Association voted to oppose any tax credit at all. This amendment is a good compromise because the developer built a good project.

Councilmember Catlin opposes the amendment. Instead of front loading, this back loads it, so the credit is worth less because of the time value of money. The Varsity did a number of things requested by the City. They are looking to do more projects in the City and we need to encourage them. We shouldn't renege on people's expectations.

Councilmember Stullich said this tax credit is meant to incentivize projects or project features that might not happen otherwise. The project added to our tax base, met a community need for student housing, and was responsive to requests of the City for a high quality project. The County does not do retroactive tax credits. Tax credits are not free – somebody pays. This was a challenging budget year due to shrinking revenue which resulted in a tax increase for residents. She believes it is reasonable to reduce the amount of the tax credit. We didn't renege on anything because we did not have a deal.

Councilmember Dennis agrees with Councilmember Catlin and will not support the amendment.

Vote on the Amendment:

Aye: 3 (Kabir, Wojahn, Stullich)

Nay: 3 (Catlin, Dennis, Day)

Mayor tiebreaker vote: No

Amendment fails 3 - 4.

Councilmember Wojahn believes we are giving too much away and will not support the proposal.

Councilmember Stullich is conflicted about the issue. This development was positive for College Park, is high-quality, and we would like to see more like this. It is right to provide a tax credit as an incentive. It is unusual to provide one retroactively and she does not believe she would support it for any other development, but she will support this proposal.

Vote on the Main Motion:

Aye: 4 (Catlin, Dennis, Stullich, Day)

Nay: 2 (Kabir, Wojahn)

Motion passes 4 – 2- 0.

**13-G-73 Approval, With Conditions, of DSP-11005 and Rezoning for Yale House,
7302 Yale Ave**

A motion was made by Councilmember Day and seconded by Councilmember Dennis to recommend approval of Detailed Site Plan-11005 including the rezoning of the property from the R-18 zone to the M-U-I zone and the modifications requested to the Development District Standards subject to the following conditions:

1. Prior to signature approval of the Detailed Site Plan:

- A. Provide drawings to scale of all building floor plans including the placement of beds and other furniture.**
- B. Provide a table that indicates compliance with City Code 125-9.A and B of the Housing Regulations or reduce the number of beds accordingly.**
- C. Provide a parking lot circulation plan indicating the use of white reflective arrows.**
- D. Revise the site plan to show a 7-foot wide concrete walkway with brick pavers along the property frontage to match the width and design of the sidewalk to the north.**

2. The Applicant shall make every effort to document LEED credit compliance which shall amount to the equivalent of LEED-Silver Certification. In addition, the appropriate regulating agency may issue a temporary use and occupancy permit to the Applicant until such time as LEED-Silver credits are documented. If it is determined that a temporary use and occupancy permit cannot be issued, a permanent use and occupancy permit may be issued by the appropriate regulating agency once an escrow or letter of credit in the amount of \$10,000 is established with an agent that is acceptable to the City of College Park. Said escrow agent shall hold the funds subject to the terms of this Agreement. The escrow (or letter of credit) shall be released to Applicant upon final LEED –Silver or higher documentation of credits by a LEED-accredited professional. In the event that the Applicant fails to provide, within 180 days of issuance of the permanent use and occupancy permit for the Project, documentation to the City demonstrating attainment of LEED-Silver or higher credits, the entirety of the escrow will be released upon demand to the City and will be posted to a fund within the City budget supporting implementation of environmental initiatives.

Councilmember Day stated that Yale House is a multi-family building located at 7302 Yale Avenue, next to the city's public parking garage within the Downtown Walkable Node. It is adjacent to the Old Town Historic District. The applicant is proposing to add 4 dwelling units, increasing the total number of dwelling units from 6 to 10 and the total number of beds from 23 to 37. The property currently has a density of 24 dwelling units per acre which exceeds the density of 12 units per acre permitted in the R-18 zone. The applicant is proposing to rezone the property to the MUI zone which permits 48 dwelling units per acre. The Sector Plan supports the rezoning to MUI to reinforce the concept of walkable nodes which are higher density, mixed-use areas with wide sidewalks. The minimum density proposed for a walkable node is 15 dwelling units per acre. The requested modifications to the Sector Plan development district standards are justified based on the fact that this is an existing building seeking to increase parking and improve on-site circulation. The applicant has submitted information to show that the proposal complies with the City's housing code regulations for habitable space per occupant. The Prince George's County Planning Board is scheduled to hear this case on July 18, 2013 and the technical staff report may be available June 28, 2013.

Comments from the audience:

Gerard T. McDonough, attorney for the Applicant: The applicant has reviewed the recommendations in the motion and concurs with them.

Councilmember Stullich said she will vote against the motion. The Old Town neighborhood is struggling with the density of student housing that already exists, and increasing the density just makes it harder to achieve a balance.

Councilmember Wojahn asked if we had received the scaled drawing of the project that was requested at last week's Worksession. Ms. Bader said it was received by Planning and she has done the calculations. What he submitted is not what she came up with, but according to her calculations, the new bedrooms do comply. Councilmember Wojahn said it seems the applicant is squeaking by so he will support the motion.

Councilmember Catlin said staff has recommended approval of this DSP to Park and Planning. In District 2, adding high density student housing near the Route 1 Corridor has diminished the use of single family homes as student rentals. He is not sure if it will have the same impact in Old Town. He will support.

Councilmember Stullich believes that plays out differently in Old Town and that the party problem has not been reduced. She believes the increase in high density housing on the Route 1 corridor has reduced the demand for single family rentals in other neighborhoods, but it has not reduced it in Old Town. She believes Old Town is the area where students most look for parties, and as a result there are more and more boisterous people walking the streets. She said if other Councilmembers lived in Old Town, they would have a different perception.

The motion passed 5 – 1 – 0 (Stullich opposed).

13-G-74 Authorization to receive funds from Prince George's County in the amount of \$250,000 to be used for bike share facilities in the Route 1 Corridor Area, and to approve a related MOU between the County and the City

A motion was made by Councilmember Dennis and seconded by Councilmember Kabir to authorize the receipt of \$250,000 from Prince George's County to be used for bike share facilities in the Route 1 Corridor area and to authorize the City Manager to sign a Memorandum of Understanding in substantially the form attached with the County with respect to receipt and use of the funds.

Councilmember Dennis stated that the Prince George's County Council allocated \$250,000 in CB-38-2012 to the County Department of Public Works and Transportation ("DPW&T") to be used for "Bike Share Facilities in the Route 1 Corridor area". In a recent meeting with Councilmember Eric Olson, the City and representatives from Anacostia Trails Heritage Area (ATHA) and the Town of Riverdale Park, a plan was discussed that would involve payment of the \$250,000 by the County to the City pursuant to this Memorandum of Understanding. The City would agree to administer the funds so that they are used for bike share facilities in the Route 1 Corridor area. At the meeting, a cooperative approach with other municipalities, including the Town of Riverdale Park and the City of Hyattsville, with the view of expanding the bike share system along the Route 1 Corridor was discussed. ATHA was included as a likely organization for eventual coordination of these efforts. The City of College Park will continue to coordinate with these municipalities and other participants to properly allocate the funds.

There were no comments from the audience.

Councilmember Wojahn hopes that these funds can also be used going north on the Route 1 corridor – not just south – to expand the bike share program through the Lakeland and Berwyn neighborhoods, to north College Park, and to the Greenbelt Metro Station.

The motion passed 6 – 0 – 0.

13-G-75 Letter of support to State Highway Administration for sidewalks on the east side of US 1 from MD 193 to I-495

A motion was made by Councilmember Kabir and seconded by Councilmember Wojahn to send a letter to the State Highway Administration expressing support for the construction of sidewalks, where feasible, along the east side of the US Route 1 corridor between Cherokee Street and Edgewood Road and the willingness of the City to work with SHA to help secure all necessary rights-of-entry and to maintain the sidewalks upon completion.

Councilmember Kabir said that at the City's request, SHA completed a feasibility study to determine whether or not missing sidewalks might be constructed in this section of Route 1. A SHA representative presented the results of the study at the Worksession on June 11. Construction appears to be feasible if permission from property owners can be obtained to perform the work. Final engineering will be performed by SHA. The North College Park Citizens Association passed a motion in support of this project at their meeting on June 13, 2013.

Councilmembers Wojahn and Kabir discussed the revisions they requested to the draft letter; the revised version is in the red folders.

The motion passed 6 – 0 – 0.

13-G-76 Appointments to Boards and Committees

A motion was made by Councilmember Wojahn and seconded by Councilmember Kabir to appoint P. J. Brennan to the Sustainable Maryland Certified Green Team and Brian Bertges to the Education Advisory Committee. The motion passed 6 – 0 – 0.

CLOSED SESSION:

At 8:45 p.m., a motion was made by Councilmember Kabir and seconded by Councilmember Dennis to enter into an Executive Session to consult with counsel on a legal matter. The possibility of this Executive Session was posted on the meeting agenda. The Council will return to regular session (open meeting) at the conclusion of the closed session. The motion passed 6 – 0 – 0 and the Council entered the closed session at 9:00 p.m.

[Councilmember Mitchell arrived at the beginning of the Executive Session.]

Council returned to open session at 10:15 p.m.

13-G-77 Approval of a City position on the decision of the Prince George's County Planning Board on the Cafritz Property

A motion was made by Councilmember Stulich and seconded by Councilmember Day to appeal the Planning Board decision on the Cafritz Property Detailed Site Plan to the District Council, based on the following issues: 1) include the City's language on LEED certification, 2) the final location on the bike share station and developer contribution of \$45,000 to the bike share program, and 3) parcel H of Rhode Island Avenue right-of-way be dedicated to the City of College Park.

Councilmember Stulich said the entire process of the Cafritz development has been lengthy and many concerns have been expressed. We have not won all of the arguments. The Planning Board approved both the Preliminary Plan of Subdivision and the Detailed Site Plan. The decision on the Detailed Site Plan is appealable to the District Council and she believes we can see improvements to the project by appealing.

There were no comments from the audience.

Councilmember Kabir asked what an appeal would cost the City. Mayor Fellows responded that it would be speculative to try to state a cost. Mr. Nagro said this is mainly staff time and would include very little attorney time.

The motion carried 6 – 0 – 1 (Councilmember Kabir abstained).

COUNCIL COMMENTS:

Councilmember Wojahn said the College Park Community Foundation is about to embark on a \$10,000 fundraising campaign, and announced the date of an upcoming meet-and-greet with the Board of Directors of the Foundation.

Mr. Nagro raised the issue of the architects that are working on the design of the City Hall expansion vis-à-vis the developments with U3 Ventures and the University of Maryland on the options that may be available. Mr. Nagro recommended sending a letter to the architects to put a hold on the work they are doing for the City Hall expansion at least until October 1, 2013 so they don't spend any more money. We should know more by that point what some of the options may be. The bond was extended until June of 2015, so we can't wait much longer. U3 Ventures has been invited to a July Council meeting to brief the Council. Council concurred with Mr. Nagro's recommendation.

ADJOURN: A motion was made by Councilmember Mitchell and seconded by Councilmember Day to adjourn the Council Meeting. Mayor Fellows adjourned the meeting at 10:27 p.m. with a vote of 7 – 0 – 0.

Janeen S. Miller, CMC
City Clerk

Date
Approved

Pursuant to §C6-3 of the College Park City Charter, at 8:45 p.m. on Tuesday, June 18, 2013, in the Council Chambers of City Hall, a motion was made by Councilmember Kabir and seconded by Councilmember Dennis to enter into an Executive Session for the following reasons:

G: To Consult with Counsel on a legal matter

The motion passed 6 – 0 – 0. After a short break, the Council convened the closed session at 9:00 p.m.

Present: Mayor Andrew Fellows; Councilmembers Kabir, Wojahn, Catlin, Dennis, Stulich, and Day. Councilmember Mitchell arrived at 9:00 p.m.

Absent: Councilmember Afzali.

Also Present: Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Terry Schum, Director of Planning; Miriam Bader, Senior Planner.

Topics Discussed: The City Attorney discussed the recent decisions of the Prince George's County Planning Board on the Cafritz Preliminary Plan of Subdivision and Detailed Site Plan with the Council.

Actions Taken: None.

Adjourn: A motion was made by Councilmember Wojahn and seconded by Councilmember Mitchell to adjourn the Executive Session, and with a vote of 7 – 0 – 0, Mayor Fellows adjourned the Executive Session at 10:14 p.m.